

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON OH

DRAKE A EDWARDS

PLAINTIFF,

V S.

ED SLATER, et al

DEFENDANTS

CASE 3:12-CV-00338

Judge WALTER H. RICE

MAGISTRATE Michael Merz

2012 DEC 21 PM 3:14

FILED  
JOHN P. HEHMAN  
CLERK

U.S. DISTRICT COURT  
SOUTHERN DIST OHIO  
WESTERN DIV DAYTON

MOTION TO RECUSE

NOW COMES THE ABOVE NAMED, DRAKE A EDWARDS  
AND MOVES TO RECUSE JUDGE WALTER H. RICE,  
MAGISTRATE MICHAEL MERZ FROM THE ABOVE  
ENTITLED MATTER UNDER 28 USCS SEC, 455 AND  
MARSHALL V

JERRICO INC. 446 US 238, 242, 100 S. CT 1610,  
64 L. ED. 2D 182 (1980)

"The neutrality requirement helps to guarantee  
THAT life, liberty, or property will NOT  
BE TAKEN ON THE BASIS OF AN ERRONEOUS  
OR DISTORTED CONCEPTION OF THE FACTS OR THE LAW"

THE ABOVE IS APPLICABLE TO THIS COURT BY  
APPLICATION OF <sup>OF</sup> ARTICLE VI OF THE UNITED  
STATES ~~CONSTITUTION~~ <sup>DE</sup> CONSTITUTION AND STONE V POWELL,  
428 US 465, 483 N 35, 96 S. CT 3037,  
49 L. ED 2D 1067 (1976).

" STATE COURTS , LIKE FEDERAL COURTS , HAVE  
A CONSTITUTIONAL OBLIGATION TO SAFEGUARD  
PERSONAL LIBERTIES.. AND TO UPHOLD FEDERAL LAW'.

Also see RI Supreme COURT ARTICLE VI and CANONS  
1, 2, AND 3. ~~18~~ 6

THE UNITED STATES CONSTITUTION GUARANTEES AN  
UNBIASED JUDGE WHO WILL ALWAYS PROVIDE  
LITIGANTS WITH FULL PROTECTION OF ALL RIGHTS.

Therefore PETITIONER respectfully demands  
SAID JUDGE recuse themselves IN LIGHT  
OF THE evidence attached as EXHIBIT 7  
detailing prior UNETHICAL and/or illegal  
CONDUCT OR CONDUCT WHICH gives  
PETITIONER good reason TO believe THE  
ABOVE JUDGE CANNOT hear THE ABOVE  
CASE IN A FAIR AND IMPARTIAL  
MANNER.

RESPECTFULLY SUBMITTED

Dale G. Eld PROSR